

Stephen F. Ellman, Esq.
Ronald M. Neumann, Esq.
ZEICHNER ELLMAN & KRAUSE LLP
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400
Attorneys for Defendant
JPMorgan Chase Bank, N.A.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHELLE CARTER,

Plaintiff,

- against -

JPMORGAN CHASE BANK, N.A.,

Defendant.

CASE No. 17-

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, defendant JPMorgan Chase Bank, N.A. (“Chase”) hereby removes to this Court an action styled *Michelle Carter v. JPMorgan Chase Bank, N.A.*, Index No. 714414/2016, nominally pending in the Supreme Court of the State of New York, County of Queens (the “State Court Action”).

In support of this removal, Chase avers:

1. Pursuant to 28 U.S.C. § 1441(a), Chase may remove to a United States District Court in the district in which a state court action is brought, a civil action of which the district courts have original jurisdiction.

2. This Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a). As alleged in the complaint, the matter in controversy exceeds the sum or value of \$75,000., exclusive of interest and costs, and is between citizens of different states. As set forth below, Chase, the sole defendant, is not a citizen of the State of New York.

3. In accordance with 28 U.S.C. § 1446(a), all process and pleadings in this action are attached as **Exhibit A**. These documents consist of (i) a Summons With Notice, dated November 30, 2016, (ii) an Affidavit of Service of Summons With Notice, dated December 8, 2016, (iii) a Notice of Appearance and Demand for Complaint, dated December 22, 2016 (with Affidavit of Service), (iv) a Verified Complaint, dated January 11, 2017, and (v) a consent to change attorney dated January 27, 2017 and constitute all process and pleadings in the State Court Action to date.

4. As set forth in the Verified Complaint, plaintiff resides in and is thus a citizen of New York.

5. Defendant Chase is a national banking association organized under the laws of the United States of America with a main office, as set forth in its articles of association, located in the State of Ohio. Accordingly, Chase is a citizen of Ohio for diversity of citizenship purposes. See Wachovia Bank, National Association v. Schmidt, 546 U.S. 303 (2006).

6. In the Complaint, plaintiff expressly demands compensatory damages of \$886,339.96. See Complaint ¶ 5 and the ad damnum clause. Pursuant to 28 U.S.C. § 1446(c)(2), “the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy” Accordingly, the amount in controversy threshold is satisfied.

7. Plaintiff commenced the State Court Action by filing the Summons With Notice in the Office of the County Clerk, County of Queens, on December 2, 2016. Chase is believed to have been served with copies of the Summons With Notice in the State Court Action on or about December 7, 2016.

8. The issues raised by the complaint in the State Court Action have not been joined, and the date on or before which defendant Chase is required to respond to the Summons and Complaint under the New York Civil Practice Law and Rules has not expired.

9. This Notice of Removal is timely effected pursuant to 28 U.S.C. § 1446(b).

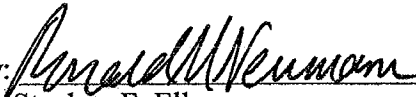
10. Pursuant to the foregoing, Chase files this Notice of Removal, thereby removing the pending State Court Action to the United States District Court for the Eastern District of New York.

11. Pursuant to 28 U.S.C. § 1446(d), a Notification of Removal will be filed in the Supreme Court of the State of New York, County of Queens, together with a true and correct copy of this Notice of Removal.

WHEREFORE, removing party JPMorgan Chase Bank, N.A. respectfully requests that this action be removed from the Supreme Court of the State of New York, County of Queens, to this Court, that this Court accept jurisdiction of this action, and that this action be placed on the docket of this Court for further proceedings, as though this action had been originally instituted in this Court.

Dated: New York, New York
January 31, 2017

ZEICHNER ELLMAN & KRAUSE LLP

By: 
Stephen F. Ellman
Ronald M. Neumann
Attorneys for Defendant
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400

TO: Robert Unger, Esq.
Attorney for Plaintiff
30 South Station Plaza
Great Neck, New York 11021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
MICHELLE CARTER,

Plaintiff,

- against -

JPMORGAN CHASE BANK, N.A.

Defendant.
-----X

To the above named Defendant:

Index No.:

Date Filed:

Summons with Notice

Queens County is designated
as Venue for Trial

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff at the address set forth below, and to do so within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

NOTICE, the nature of this action is for *inter alia*, Negligence and violations of U.C.C. Articles 3 and/or 4.

The relief sought is damages based upon the above causes of action with an exact amount to be determined at trial. Upon your failure to appear, judgment will be taken against you by default for an amount to be determined at trial with interest at the rate prescribed by law from the date of contract, and costs and disbursements of this action.

Dated: Great Neck, New York

November 30, 2016

Robert Unger

By: Robert Unger, Esq.
Attorney for Plaintiff
30 South Station Plaza
Great Neck, NY 11021
(516) 829-3508

Defendant's Address:

25-15 Queens Plaza N
Long Island City, NY 11101

Case 1:17-cv-00539-AMD-ST Document 1-2 Filed 01/31/17 Page 4 of 15 PageID #: 10
FILED: QUEENS COUNTY CLERK 12/14/2016 06:26 PM INDEX NO. 714414/2016

NYS SUPREME COURT OF THE STATE OF NEW YORK
 STATE OF NEW YORK: COUNTY OF QUEENS

RECEIVED NYSCEF: 12/14/2016
 INDEX NO. 714414/16

MICHELLE CARTER

Plaintiff(s)

-against-

**AFFIDAVIT OF
 SERVICE OF SUMMONS
 WITH NOTICE**

JP MORGAN CHASE BANK, N.A.

Defendant(s)

STATE OF NEW YORK, COUNTY OF QUEENS: SS:

DAVID SINGER, BEING DULY SWORN, DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on December 7, 2016 at 12:01 PM at 25-15 QUEENS PLAZA N LONG ISLAND CITY, NY 11101 deponent served the within SUMMONS with NOTICE on JP MORGAN CHASE BANK, N.A.

INDIVIDUAL

A. By personally delivering to and leaving with said a true copy thereof and that knew the person so served to be the person named in said summons.

CORPORATION

B. By delivering to and leaving a copy with TRACY LAMONTOE and that he knew the person so served to be authorized to accept on behalf of the corporation.

SUITABLE AGE PERSON

C. Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a copy for each defendant thereof to and leaving with a person of suitable age and discretion at said premises, it being the defendants - (dwelling place) (usual place of abode) (place of business) within the State of New York.

AFFIXING TO DOOR, ETC.

D. By affixing a copy for each defendant thereof to the door of said premises, the same being the defendants (dwelling place) (usual place of abode) (place of business) within the State of New York.

MAILING (Use with C or D)

E. Deponent completed service under the last two sections by depositing one copy per defendant each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. If this section is filled out mailing was made to the address bearing "PERSONAL & CONFIDENTIAL" and not indicating "Legal Action" by First Class Mail within twenty days of such service.

PREVIOUS ATTEMPTS (Use with D)

F. Deponent had previously attempted to serve the above names defendant(s) on

VOID WITHOUT DESCRIPTION (USE WITH A, B&C)

A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT IS:

Approximate age: 35 YRS Approximate weight: 120 LBS Approximate height: 5'4" Sex: F

Color of Skin: WHITE Color of Hair: BROWN

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he or she is not dependent on anybody in the military service. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

SWORN TO BEFORE ME THIS
 December 8, 2016

LICENSE # 1133018

COLLEEN AHERN
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 91AH5019609
 QUALIFIED IN NASSAU COUNTY
 COMMISSION EXPIRES OCTOBER 25, 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
MICHELLE CARTER,

Plaintiff,

Index No.: 714414/2016

-against-

JPMORGAN CHASE BANK, N.A.,

Defendant.
-----X

**NOTICE OF APPEARANCE
AND DEMAND FOR
COMPLAINT**

PLEASE TAKE NOTICE, that Stagg, Terenzi, Confusione & Wabnik, LLP, hereby appears in the above-entitled action, and that we have been retained as attorneys for defendant, JPMorgan Chase Bank, N.A., and said defendant demands that a copy of the Complaint and all papers in this action be served upon the undersigned at the office and post office address stated below, within twenty (20) days of service of this notice.

Dated: Garden City, New York
December 22, 2016

Stagg, Terenzi, Confusione & Wabnik, LLP

By: /s/Solomon Abramov

Solomon Abramov

Attorneys for Defendant

JPMorgan Chase Bank, N.A.

401 Franklin Avenue, Suite 300

Garden City, New York 11530

(516) 812-4500

TO: Robert Unger, Esq.
Attorneys for Plaintiff
Michelle Carter
30 South Station Plaza
Great Neck, New York 11021
516-829-3508

FILED: QUEENS COUNTY CLERK 12/22/2016 02:29 PM

INDEX NO. 714414/2016

NYSCEF DOC. NO. 4

RECEIVED NYSCEF: 12/22/2016

AFFIDAVIT OF SERVICE

RE: **Michelle Carter v. JPMorgan Chase Bank, N.A.**
Index No.: 714414/2016

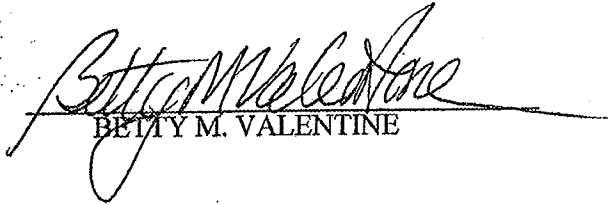
STATE OF NEW YORK)
 : ss.:
COUNTY OF NASSAU)

BETTY M. VALENTINE, being duly sworn, deposes and says:

I am not a party to the within action, am over 18 years of age and reside at Albertson, New York.

On December 22, 2016, the following document was filed electronically: Notice of Appearance and Demand for Complaint. Notice of this filing will be sent to all parties listed below by operation of the Court's electronic filing system. Parties can access the documents through the electronic filing system.

Robert Unger, Esq.
Attorneys for Plaintiff
Michelle Carter
30 South Station Plaza
Great Neck, New York 11021


BETTY M. VALENTINE

Sworn to before me on this
22nd day of December, 2016.


NOTARY PUBLIC

DAWN MARIE RIZZI
NOTARY PUBLIC, State of New York
ID #01R4819985 -Qualified Nassau Co.
Commission Expires: Dec. 24, 2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
MICHELLE CARTER,

Index No.: 714414/16

Plaintiff,

VERIFIED COMPLAINT

- against -

JPMORGAN CHASE BANK, N.A.,

Defendant.
-----X

Plaintiff, MICHELLE CARTER ("plaintiff"), by her attorneys, Robert Unger, Esq., as
and for his complaint against the defendant, alleges as follows:

PRELIMINARY STATEMENT

1. This action is brought by MICHELLE CARTER for actual and compensatory damages that the practices of defendant JPMORGAN CHASE BANK, N.A., ("CHASE") violate the New York Uniform Commercial Code §3-406 and the General Business Law Art 22-A, §349 ("Deceptive Practices Act, GBL §349"). The complaint also seeks statutory attorney's fees and costs pursuant to the statutory violations and GOL §5-327.

PARTIES

1. Plaintiff MICHELLE CARTER is an individual who, at all relevant times, resides in New York County, New York.

2. On information and belief, defendant CHASE, among other things, is a national banking organization which conducts business in the State of New York having numerous branch offices throughout New York and is duly so chartered.

3. At all times alleged herein, defendant acted through its authorized agents in the context of vicarious liability.

STATEMENT OF FACTS

4. In or around April, 2006, plaintiff was the victim of a horrific train accident which resulted in the loss of both of her legs. As such, plaintiff was rendered fully, physically disabled. In or around November, 2014 and as a result of her personal injury lawsuit, she agreed to a substantial monetary settlement. The payment of the settlement was to be structured i.e. plaintiff would receive numerous payments, of essentially equal denomination, until the settlement was paid in full.

5. On or around September 30, 2015, plaintiff received an installment payment on the settlement by Cashier's Check in the amount of \$886,339.96.

6. Soon after her receipt of said payment, plaintiff was sitting in Penn Station in New York City. On that day, a person whose identity was unknown to plaintiff, stole her bag and other personal belongings including said settlement check. Plaintiff promptly reported the theft to the police and subsequently to the drawer bank.

7. On that day, said unknown thief took the check to a branch of defendant's Bank. He/she then forged the plaintiff's name on the check, and added the corporate name of "Dahqleel A. Inc." [sic] and presented the check to a representative at defendant's branch.

8. Upon information and belief, the unknown thief successfully negotiated the check based on a corporate or other account maintained and/or controlled by defendant, and defendant's representative gave the thief the funds.

9. Upon information and belief, the drawer bank initiated contact with defendant to conduct an investigation as to the forgery and fraudulent negotiation of plaintiff's check. Plaintiff learned from that Bank that the check was presented and negotiated at the defendant Bank.

10. Before resorting to litigation, plaintiff duly demanded reimbursement for the stolen check negligently honored by defendant. To date, plaintiff has gotten no response.

11. Plaintiff has suffered damages as a direct and proximate result of defendant's representative's conduct in the amount of \$886,339.96.

***AS AND FOR A FIRST CAUSE OF ACTION
UCC §3-406 - Negligence Contributing to Forged Signature***

12. The plaintiff repeats and realleges each and every allegation above and incorporates same herein.

13. This Cause of Action is asserted against the defendant CHASE, that plaintiff suffered damages as a result of the defendant's negligence in violation of UCC Article 3, §3-406.

14. Over the course of the life of the subject account, CHASE was negligent in one or more of the following acts or conduct:

- a) failing to exercise ordinary care which substantially contributed to the making of a forged signature on an instrument; and
- b) failing to exercise ordinary care in taking or paying the instrument which substantially contributed to loss.

15. The above negligence, failures, omissions, and/or conduct on the part of the defendant involves negligence in failing to exercise any ordinary care in verifying the identity and signature of the plaintiff in connection with the account upon which it was used to negotiate and withdraw said funds which caused the loss.

16. Defendant's negligence was likely to, and in fact did, harm, the plaintiff.

17. The aforementioned conduct constitutes a violation of UCC Article 3, §3-406.

18. As a result of the defendant's negligence and failure to exercise due care, an unknown person without plaintiff's knowledge or consent was able to abscond with plaintiff's funds.

19. As a result of defendant's negligence, plaintiff has sustained damages for which she is entitled to recover from CHASE.

***AS AND FOR A SECOND CAUSE OF ACTION
GBL 349 – New York Deceptive Business Practices Act***

20. The plaintiff repeats and realleges each and every allegation above and incorporates same herein.

21. This Cause of Action is asserted that plaintiff suffered damages as a result of the defendant's deceptive business practices in violation of GBL §349.

22. Over the course of the life of the subject account, CHASE committed and/or engaged in one or more of the following acts or conduct:

- a) Violating UCC §3-406 in negligently contributing to a forged signature to open the subject account;
- b) Violating GBL §380-s in knowingly permitting the obtainment, possession, transfer, use, or attempt to obtain, possess, transfer, or use credit, goods, services or anything of value in the name of plaintiff without her knowledge or consent;
- c) Failing to follow its own privacy policy as to accounts protected from unauthorized negotiation and withdrawals;
- d) Allowing unauthorized invasion of plaintiff's money by accepting an unauthorized signature(s) or other false authorization;
- e) Failing to verify valid authorization for transactions associated with the maintenance or control of an account;

- f) Failing to have adequate procedures in place to prevent the occurrence of the unauthorized negotiation and use of customer accounts;
- g) Failing to notify plaintiff of an unauthorized negotiation and use of an account to her detriment.

23. All of the above misrepresentations, omissions, and/or conduct involved material facts between the parties and were unfair, illegal, false, deceptive and/or misleading.

24. Additionally, such representations were likely to, and in fact did, harm or deceive the plaintiff who was acting reasonably.

25. The conduct and actions described herein effect at the general public and have a broad impact on consumers of bank accounts at large and are not isolated or unique to the parties.

26. The aforementioned conduct constitutes deceptive business practices, in violation of General Business Law Art. 22-A, §349.

27. As a result of the defendant's above violations, the plaintiff has sustained damages for which he is entitled to recover from CHASE.

28. The plaintiff is entitled to recover costs and attorney's fees from the defendant pursuant to GBL §349(h) and GOL §5-327.

AS AND FOR A THIRD CAUSE OF ACTION
Breach of Fiduciary Duty

29. The plaintiff repeats and realleges each and every allegation above and incorporates same herein.

30. Plaintiff's funds were fraudulently transferred from an unknown thief who forged her signature to the endorsement portion. Defendant failed in its duty to verify plaintiff's signature and identity.

31. Defendant had a fiduciary duty to plaintiff to safeguard, hold harmless and otherwise protect plaintiff's funds from any unauthorized invasion or any unauthorized use of her property.

32. Defendant's failure to so act was a breach of fiduciary duty which resulted in plaintiff's loss, for which she is entitled to recover.

WHEREFORE, the plaintiff demands judgment against the defendant for actual, compensatory, and statutory damages as follows:

- (a) Actual damages in the amount of EIGHT HUNDRED EIGHTY-SIX THOUSAND, THREE HUNDRED THIRTY-NINE DOLLARS and NINETY-SIX CENTS (\$886,339.96),
- (b) Compensatory and incidental damages in such amount to be determined at trial;
- (c) Interest, costs, disbursements and attorneys' fees pursuant to statutory causes of action;
- (d) Such other relief as the court may deem just.

Dated: New York, New York
January 11, 2017

ROBERT UNGER, ESQ.

Robert Unger

By: Robert Unger, Esq.
Attorneys for Plaintiff
MICHELLE CARTER
30 South Station Plaza
Great Neck, NY 11021
(212) 655-9536

VERIFICATION

STATE OF NEW YORK)

:ss

COUNTY OF QUEENS)

MICHELLE CARTER being duly sworn, depose and say:

That deponent is the plaintiff herein; deponent has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof; that the allegations are true and accurate to the best of the deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes to be true.


MICHELLE CARTER

Subscribed and Sworn to before me this

11 day of January, 2017.


NOTARY PUBLIC

2

CHHANDA SUTTON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01506327073
Qualified in Queens County
My Commission Expires June 29, 2019

SUPREME COURT: QUEENS COUNTY

MICHELLE CARTER,

Plaintiff,

- against -

JPMORGAN CHASE BANK, N.A.,

Defendant.

Index No. 714414/2016

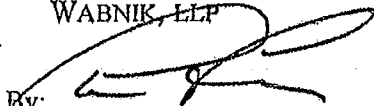
CONSENT TO
CHANGE ATTORNEY

IT IS HEREBY CONSENTED THAT Zeichner Ellman & Krause LLP
be substituted as attorney of record for defendants JPMorgan Chase Bank, N.A in the
above-captioned action, in place and stead of Stagg, Terenzi, Confusione & Wabnik,
LLP as of the date hereof.


This Consent to Change Attorney may be signed in counterparts and
filed without further notice with the Court and facsimile or electronic signatures shall be
deemed original.

Dated: New York, New York
January 26, 2017

STAGG, TERENZI, CONFUSIONE &
WABNIK, LLP

By: 
~~Solomon Abramov~~ *Thomas E. Stagg*
401 Franklin Avenue
Suite 300
Garden City, New York 11530
(516) 812-4500

ZEICHNER ELLMAN & KRAUSE LLP

By: 
Stephen F. Ellman
Ronald M. Neumann
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400

FILED: QUEENS COUNTY CLERK 01/30/2017 01:57 PM Page 15 of 15 PageID #: 21414/2016

NYSCEF DOC. NO. 6

RECEIVED NYSCEF: 01/30/2017

State of NY
County of NY

JPMORGAN CHASE BANK, N.A.,

By: Jamie Sparks Ruman

Title: VP Assistant General Counsel

On the 27 day of January in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Jamie Sparks Ruman personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his or her capacity, and that by his or her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

RHOSHENA R. ALLEN
Notary Public, State of New York
No. 01AL6087661
Qualified in Westchester County
Certificate Filed in New York County
Commission Expires November 10, 2017
17

#892794

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
MICHELLE CARTER**DEFENDANTS**
JPMORGAN CHASE BANK, N.A.(b) County of Residence of First Listed Plaintiff NEW YORK
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
ROBERT UNGER, ESQ., 30 SOUTH STATION PLAZA, GREAT NECK, NY 11021, (212) 655-9536Attorneys (If Known)
STEPHEN F. ELLMAN, ESQ., ZEICHNER ELLMAN & KRAUSE LLP, 1211 AVENUE OF THE AMERICAS, NY, NY 10036, (212) 223-0400
Ronald M. Neumann, Esq.**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input checked="" type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(a)

Brief description of cause:

Plaintiff alleges defendant accepted for deposit a check bearing plaintiff's forged indorsement.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
886,339.96

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
01/31/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Stephen F. Ellman, counsel for Defendant, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

JPMorgan Chase Bank, N.A. is a subsidiary of JPMorgan Chase & Co., a publicly held corporation. No publicly held corporation owns ten percent or more of JPMorgan Chase & Co. stock

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is 'related' to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed 'related' to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be 'related' unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☒ No

I certify the accuracy of all information provided above.

Signature: Stephen F. Ellman